

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JODIE DEREK GRAGG,

Plaintiff,

v.

GRAYS HARBOR SHERIFFS  
DEPARTMENT *et al.*,

Defendants.

Case No. C07-5499FDB

ORDER

This 42 U.S.C. § 1983 Civil Rights has been referred to the undersigned Magistrate Judge pursuant to Title 28 U.S.C. §§ 636(b)(1)(A) and 636(b)(1)(B) and Local Magistrates' Rules MJR 1, MJR 3, and MJR 4. Before the court are two documents filed by plaintiff (Dkt. # 10 and 12). The first is a request asking that plaintiff's trial lawyer and a private investigator be witnesses in his case (Dkt. # 10). This motion was not assigned a calendar date as it was filed as a request and not a motion. The request was filed prior to counsel appearing for defendants.

The court conducts regular business by motions which must be properly noted on the court's calendar. Plaintiff should familiarize himself with the local rules of this court. Scheduling of motions is covered in Local Civil Rule 7. This is not a proper motion. Plaintiff may wish to consult with an attorney regarding service of subpoenas if witnesses become necessary. The motion is **DENIED**.

Plaintiff's second motion asks the court to direct Harold Karlsvik and Frank Wilson to give

1 depositions (Dkt. # 12). Mr. Karlsvik was plaintiff's trial lawyer in a criminal matter and Mr. Wilson was  
2 the private investigator. The court cannot give plaintiff legal advice. The proper setting of a deposition  
3 and serving of a subpoena are covered in the State and Federal Rules of Civil Procedure. For a subpoena  
4 to appear to be enforceable it must comply with these rules. General rules on discovery are found in the  
5 Federal Rules of Civil Procedure, Rules 26 to 37.

6 There is nothing in the record to show plaintiff's motion was served on opposing counsel. Local  
7 Rule 7 requires that all motions be served on opposing parties or their counsel if counsel has appeared in  
8 the case. The motion is **DENIED**.

9 The Clerk is directed to send plaintiff a copy of this Order and remove (Dkt. # 10 and 12) from the  
10 court's calendar.

11  
12 DATED this 7 day of November, 2007.

13  
14 /s/ J. Kelley Arnold  
15 J. Kelley Arnold  
16 United States Magistrate Judge  
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